

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2003-831

February 24, 2004

RANGELEY WATER DISTRICT
Request for Approval of Transfer of Assets (To
Sell the Property Known as the Old Reservoir Lot)

ORDER

WELCH, Chairman; DIAMOND and REISHUS, Commissioners

I. SUMMARY OF ORDER

We allow the Rangeley Water District (District) to offer for sale the Old Reservoir Lot (Lot) pursuant to the provisions of 35-A M.R.S.A. §6109 and Chapter 691, Sale of Water Resource Lands, of the Commission's Rules.

II. PROCEDURAL HISTORY AND BACKGROUND

On October 16, 2003, the Rangeley Water District filed with the Commission its petition for approval to sell its property known as the Old Reservoir Lot. The District constructed a new buried concrete reservoir to replace the old open reservoir. The new reservoir was placed in service in 1998, and the open reservoir was abandoned and filled with soil. The District states that the Lot is no longer of any use to the District. The District now proposes to dispose of the Lot pursuant to 35-A M.R.S.A. §6109.

III. DECISION

Under 35-A M.R.S.A. §1101, a public utility must secure an order of authorization from the Commission before it may sell any part of its property that is necessary or useful in the performance of its duties to the public. The District has applied for authorization to sell this property because it is no longer useful in the performance of its duties and the District believes it is land subject to the provisions of 35-A M.R.S.A. Section 6109.

A public utility does not require Commission approval of the sale of non-operating property (operating property that is no longer used and useful in the provision of utility service can be transferred to the non-operating property account) provided that the utility has properly classified the property. While it appears that Commission approval is not required, for this transaction, the Commission will approve, to the extent necessary, the sale of the "old reservoir lot" as the property is no longer necessary for the District to perform its duties to the public. 35-A M.R.S.A. 1101.

Accordingly, we

ORDER

1. That this Commission allows the Rangeley Water District to proceed with a sale of the Old Reservoir Lot pursuant to the provisions of 35-A M.R.S.A. §6109 and Chapter 691, Sale of Water Resource Lands, of the Commission's Rules.

2. That an attested copy of this order shall be sent to Vernon Bean, Trustee, Rangeley Water District, P.O. Box 989, Rangeley, Maine 04970.

Dated at Augusta, Maine, this 24th day of February, 2004.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Diamond
 Reishus

COMMISSIONER ABSENT: Welch

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.